

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
EASTERN DIVISION

KATHY ARMSTRONG OWENS PLAINTIFF
VS. NO. 1:09CV116-A-D

LEE COUNTY, MISSISSIPPI;
SHERIFF JIM H. JOHNSON, individually
and in his official capacity as Sheriff
of Lee County, Mississippi;
LEE COUNTY SHERIFF'S DEPARTMENT;
AND JOHN DOES 1-20; individually and
in their official capacities as officers
of Lee County, Mississippi DEFENDANTS

DEPOSITION OF KATHY ARMSTRONG OWENS

TAKEN AT THE INSTANCE OF THE DEFENDANTS
IN THE LAW OFFICES OF MITCHELL, MCNUTT & SAMS, P.A.
105 SOUTH FRONT STREET, TUPELO, MISSISSIPPI
ON JANUARY 26, 2010, BEGINNING AT 1:38 P.M.

APPEARANCES NOTED HEREIN

Reported by: KAYLA B. CUMMINGS, CSR 1752

ADVANCED COURT REPORTING
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ORIGINAL

EXHIBIT

tabbles

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22
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TABLE OF CONTENTS

WITNESS	PAGE
KATHY ARMSTRONG OWENS	
Examination by Mr. Murphree.....	4
(No Exhibits)	

1 KATHY ARMSTRONG OWENS, after being duly
2 sworn, testified as follows:

3 EXAMINATION

4 BY MR. MURPHREE:

5 Q. Ms. Owens, as Mr. McBride said, my name is
6 Bill Murphree and this is Mr. Gary Carnathan seated
7 over here on this side of the table as well. Mr.
8 Carnathan is the attorney for the Lee County Board of
9 Supervisors and he and I are working together on this
10 case that your attorney has filed -- your attorneys
11 have filed on your behalf here in federal district
12 court. Have you ever given a deposition before?

13 A. No, sir.

14 Q. All right. Let me just explain a few things.
15 Now, as you can see, we have a court reporter here.
16 You've been given an oath. This testimony can be used
17 in court, so it's important that you listen carefully
18 to the questions and answer as accurately as you can.

19 A. Yes, sir.

20 Q. Now, I don't think we'll be here too long,
21 but if you need to take a break for any reason, to go
22 to the restroom, get some water, or for any other
23 reason, just let me know and I'll be more than happy
24 to accommodate you.

25 A. Yes, sir.

1 Q. Are you taking any medications that would
2 affect your ability to testify here today?

3 A. Just my regulars that I've been on.

4 Q. Okay. What are those?

5 A. Lortab, and Ultram, and Zantac, and Flexeril.

6 Q. Okay. Well, now, I'm familiar with some of
7 those and I think they can put you in kind of a
8 relaxed mode, shall we say?

9 A. I'm okay.

10 Q. All right. I mean, is there any -- do you
11 feel like it's going to affect your thinking, your
12 ability to communicate in any way?

13 A. No, sir.

14 Q. Okay. If, as we go along during the
15 deposition, you start feeling any ill effects or if
16 you start feeling confused for any reason, stop me and
17 let me know. All right?

18 A. Yes, sir.

19 Q. Now, when our court reporter finishes this
20 deposition she'll put it in typed form. You and your
21 attorney will receive a copy and you will need to read
22 it and sign it. Now, there are a couple of reasons
23 for doing this. One is that sometimes when people
24 testify they make honest mistakes.

25 A. Uh-huh (Indicating yes).

1 Q. Say the 20th of the month when they meant the
2 15th of the month or ten o'clock in the morning when
3 they meant ten o'clock at night. And sometimes court
4 reporters, despite their best efforts, misunderstand
5 something that you say and get it wrong. So now,

6 you'll have an opportunity to read through there and
7 correct any mistakes that you see. There will be a
8 sheet that'll come along with it. You have 30 days to
9 do this.

10 A. Okay.

11 Q. Now, they'll be a certificate with it that
12 you'll need to sign even if you don't make any changes
13 because this shows that you have had an opportunity to
14 read the deposition.

15 A. Okay.

16 Q. Now, if you have any questions about any of
17 this just contact Mr. McBride or Mr. Moffett and they
18 can assist you. Okay?

19 A. Okay.

20 MR. MURPHREE: Usual stipulations, Brent?

21 MR. MCBRIDE: Yes.

22 Q. (Mr. Murphree) Okay. Now, if you would, for
23 the record, state your full name, Ms. Owens.

24 A. Kathy Jo Hacker Owens.

25 Q. Okay.

1 A. Or Armstrong Owens. Sorry.

2 Q. All right. Now, how old are you?

3 A. Thirty-nine.

4 Q. Okay. What's your date of birth?

5 A.

6 Q. Okay. This is a big birthday for you coming
7 up then?

8 A. Yeah, I'm looking very forward to it.

9 Q. All right. Now, is Hacker your maiden name?

10 A. Yes, sir.

11 Q. Okay. Armstrong is a married name?

12 A. My first husband.

13 Q. And Owens is a married name?

14 A. Yes, sir.

15 Q. All right. Where do you live at the present
16 time?

17 A. Amory.

18 Q. Okay. What's your physical address down
19 there?

20 A. Mississippi.

21 Q. And how long have you lived at this address?

22 A. About three years.

23 Q. Are you a native of Monroe County?

24 A. Yes, sir.

25 Q. All right. Did you grow up in Amory?

1 A. Yes, sir.

2 Q. Now, beside -- where did you live before you
3 lived at your present address?

4 A. Alabama --

5 Q. Okay. Where --

6 A. -- with my second husband.

7 Q. Where in Alabama did you live?

8 A. Vernon.

9 Q. And how long did you live in Vernon?

10 A. Maybe a year and a half the first time and
11 maybe six months the second.

12 Q. All right. Are you presently married?

13 A. Yes, sir.

14 Q. And what's your husband's name?

15 A. George Lee Owens.

16 Q. And when did you and Mr. Owens marry?

17 A. 2000.

18 Q. And where did y'all marry?

19 A. Vernon.

20 Q. Do you have -- do you and Mr. Owens have any
21 children?

22 A. No, sir.

23 Q. Do you have any children from your other
24 marriage?

25 A. Three.

1 Q. All right. What are their names and ages?

2 A. Tabitha is 20, Hope is 17, and Jonathan is --
3 well, Jason is 14.

4 Q. Do all three live with you at home?

5 A. Unh-unh (Indicating no). Well, one of them
6 is married, the oldest one is married.

7 Q. Is that Tabitha?

8 A. Uh-huh (Indicating yes). The two youngest
9 ones, Jonathan goes back and forth between me and his
10 daddy, but Hope lives with me.

11 Q. And Hope is the youngest?

12 A. No, she's the next to the oldest. She
13 graduates this coming year.

14 Q. Now, what is Tabitha's husband's name?

15 A. Brian Berryman.

16 Q. All right. And where do they live?

17 A. In between Smithville and Hatley.

18 Q. Okay. On your interrogatory answers you
19 listed the Berrymans as people that have some
20 knowledge about your condition. Is that who you were
21 talking about?

22 A. Yes, sir.

23 Q. Okay.

24 A. She just knows my condition when I came home
25 and thereafter.

1 Q. Right. Well, we probably need to get
2 depositions from your son-in-law and your
3 daughter-in-law (sic) as well. How can we find them
4 to issue a subpoena to them?

5 A. I can try to. We haven't spoke since
6 Thanksgiving.

7 Q. Okay.

8 A. It's a family feud kind of thing going on.

9 Q. But they live somewhere between Hatley and
10 where?

11 A. Smithville. I can get a hold of them.

12 Q. Okay. We just need an address.

13 A. Okay. I don't know their physical address.
14 I just know where they live.

15 Q. What type work does your husband do?

16 A. He's a mechanic.

17 Q. Okay. Were y'all married when this incident
18 at the jail occurred?

19 A. Yes, but we was separated at the time and
20 we're separated since.

21 Q. All right. Are you living together now?

22 A. No.

23 Q. Okay. What is his address, do you know?

24 A. Not right off hand I don't.

25 Q. Does he live somewhere in Amory?

1 A. He lives in Vernon.

2 Q. Vernon. Do you know who he works for?

3 A. No. I know he works for a guy that owns a
4 car lot and a store.

5 Q. Do you know the fellow he works for, what his
6 name is?

7 A. Just his first name, Todd. We just started
8 speaking again over the past year.

9 Q. All right. Now, your first husband, what was
10 his name?

11 A. Paul Armstrong.

12 Q. And he lives in Vernon?

13 A. Unh-unh (Indicating no). He lives in
14 Aberdeen.

15 Q. Do you know his address?

16 A. 50276 Burr Road I think.

17 Q. Burr, B-U-R-R?

18 A. Yes, sir.

19 Q. Does he have any knowledge of what occurred
20 down at the jail or your condition after that?

21 A. Just what he was told and what he's seen
22 since then.

23 Q. Okay. What type work does he do?

24 A. He's disabled.

25 Q. So he doesn't work anywhere these days?

1 A. He did work for the City of Amory for almost
2 16 years.

3 Q. Okay. What type work did he do?

4 A. Drove the garbage truck and the leaf truck.

5 Q. Okay. Have you been married to anybody else
6 besides Mr. Owens and Mr. Armstrong?

7 A. No, sir.

8 Q. Okay. Now, when did you and Mr. Armstrong
9 divorce?

10 A. Ninety-seven, I think.

11 Q. And where did you get the divorce, what
12 court?

13 A. Amory -- Aberdeen.

14 Q. Chancery court in Aberdeen?

15 A. I think so.

16 Q. Okay.

17 A. Now, I don't remember. That's been a long
18 time. Our lawyer was Mr. Fagan.

19 Q. I don't believe he's around anymore, is he?

20 A. I don't know. I hadn't heard nobody talk
21 about him lately.

22 Q. Okay. Now, back on January 30th of 2008, --

23 A. Yes, sir.

24 Q. -- were you working anywhere at that time?

25 A. I was an escort driver for -- I was working

1 for an individual that was hauling trailers.

2 Q. All right. And who was that individual?

3 A. Jason Stanford. I've tried to contact him.
4 I can't get in touch with him.

5 Q. Where does he live?

6 A. On 278.

7 Q. Okay. Close to Amory?

8 A. Uh-huh (Indicating yes).

9 Q. Okay. If you will, say yes or no.

10 A. Oh, okay.

11 Q. Okay.

12 A. Yes, sir.

13 Q. All right. And what was the name of his
14 business?

15 A. Just Stanford's Escort Service.

16 Q. Did you work full-time for him?

17 A. Just whenever he needed me.

18 Q. Now, we had -- in some of these discovery
19 requests we sent, interrogatories or request for
20 production of documents, we asked for income tax
21 returns.

22 A. I didn't work long enough to file any income
23 tax with him.

24 Q. All right. When's the last time that you
25 filed an income tax return?

1 A. It's been a while. I don't really remember.

2 Q. Several years?

3 A. Uh-huh (Indicating yes).

4 Q. Okay. Remember to say yes or no.

5 A. Yes.

6 Q. Okay. Now, when you did work for Mr., what
7 was his name again, Stanford?

8 A. Stanford.

9 Q. Did he pay you by the hour?

10 A. Paid me by the mile.

11 Q. All right.

12 A. I don't remember exactly how much a mile.

13 Q. But now, do I understand you are making a
14 claim for loss wages in this lawsuit?

15 A. Yes, sir.

16 Q. All right. How much -- in an average month,
17 how many -- how much money would you earn from Mr.
18 Stanford?

19 A. It just depended on the trip and the miles.

20 Q. Well --

21 A. Some weeks I would have one trip. Some weeks
22 I'd have two trips, and sometimes, you know, it would
23 be a couple of weeks before we had a trip.

24 Q. Can you give me an average amount that you
25 would earn in a month?

1 A. I don't really know.

2 Q. But Mr. Stanford would have this information?

3 A. Yeah, he should.

4 Q. All right. And you're trying to get in touch
5 with him?

6 A. Yes, sir.

7 Q. Okay. How long did you work for Mr.
8 Stanford?

9 A. A few months. Maybe three or four months.

10 Q. And this was in 2008 or 2007?

11 A. Yeah, seven. Yes, sir.

12 Q. Where did you work before that?

13 A. Just at various convenient stores. I was a
14 stay-at-home mom for a long time.

15 Q. I see. Would you work full-time at these
16 convenient stores or just part-time?

17 A. Part-time.

18 Q. Okay. Did you have to take a physical
19 examination before you went to work for Mr. Stanford?

20 A. No, sir.

21 Q. So you can't tell me how many days' work that
22 you may have missed as a result of what happened at
23 the jail?

24 A. No, sir, because he had to hire somebody
25 else.

1 Q. Okay. Have you worked anywhere since you
2 were in jail?

3 A. I worked at the WIC office for a few months.

4 Q. Now, what is that?

5 A. WIC Distribution where they give women and
6 children milk and --

7 Q. I see.

8 A. -- formula.

9 Q. Where was that?

10 A. Amory.

11 Q. Amory. How long did you work there?

12 A. Maybe four or five months.

13 Q. Do you remember when you started?

14 A. No, sir.

15 Q. Do you remember when you ended?

16 A. Maybe July or August.

17 Q. Of 2008?

18 A. Yes, sir.

19 Q. And you haven't worked anywhere since?

20 A. Unh-unh (Indicating no). I only made \$300 a
21 month.

22 Q. At WIC?

23 A. Yes, sir.

24 Q. And why did you leave that job?

25 A. Because I had to have surgery on both of my

1 shoulders and I had to take off a lot of time. And
2 then I got Pneumonia in June.

3 Q. Okay. Was Jason Stanford your boss when you
4 worked for him?

5 A. Yes, sir.

6 Q. Okay. Now, can you give us your Social
7 Security number? We won't reveal it outside this
8 lawsuit.

9 A.

10 Q. Now, at any time, have you ever drawn Social
11 Security benefits or disability?

12 A. On myself?

13 Q. Yes, ma'am.

14 A. No, sir.

15 Q. Have you applied for Social Security
16 disability?

17 A. I applied one time and I was denied.

18 Q. When was that that you applied?

19 A. It was maybe in -- I don't -- it was some
20 time last year. I don't remember when.

21 Q. After this incident at the jail?

22 A. Yes, sir.

23 Q. Okay. And did you go through the office here
24 in Tupelo?

25 A. Columbus.

1 Q. Columbus. And you were denied and you didn't
2 appeal it?

3 A. No, sir.

4 Q. Okay. Have you ever received any type of
5 disability payments from a private insurance company?

6 A. No, sir.

7 Q. Okay. How much education do you have?

8 A. I quit in the ninth grade and went to work at
9 a garment plant.

10 Q. Do you have a GED?

11 A. No. I was in the process of going back to get
12 my GED when this happened.

13 Q. I see. Now, at any time have you tried to
14 get life insurance or health insurance and been turned
15 down because of your health?

16 A. Unh-unh (Indicating no).

17 Q. Remember to say yes or no.

18 A. No, sir. I'm sorry.

19 Q. All right. At any time have you ever gotten
20 life insurance or health insurance and had to pay a
21 higher premium because of your health condition?

22 A. No, sir.

23 Q. Now, of course, you've been involved in a
24 divorce, but other than that divorce, have you ever
25 been involved in any kind of legal action other than

1 this lawsuit?

2 A. No, sir.

3 Q. Now, I'm not trying to embarrass you, but I
4 have to ask this, have you ever pleaded guilty or been
5 convicted of any crime?

6 A. I've pled guilty, yeah.

7 Q. And what did you plead guilty to?

8 A. Possession of marijuana.

9 Q. All right. And when was that?

10 A. It's been a many a year ago and here recently
11 I claimed somebody else's.

12 Q. All right. For the conviction for marijuana
13 possession several years ago, what kind of sentence
14 did you get?

15 A. I just paid my fine.

16 Q. It was a misdemeanor?

17 A. Yes, sir.

18 Q. Now, you said that you -- here recently
19 you've done what?

20 A. I claimed somebody else's paraphernalia as
21 mine.

22 Q. And when was that?

23 A. I don't know. It's been maybe eight or nine
24 months ago.

25 Q. All right. Tell me how that happened.

1 A. Well, we was riding around and they had it
2 and if they claimed it they went to prison, so I
3 claimed it.

4 Q. All right. Did you plea guilty to a charge?

5 A. Yeah, it was a joint.

6 Q. And what was the charge, possession?

7 A. Yes, sir.

8 Q. And did you get any kind of sentence from
9 that?

10 A. Yes, I lost my license and everything.

11 Q. Lost your driver's license. Did you have to
12 pay --

13 A. I get them back.

14 Q. Did you have to pay a fine?

15 A. Yes, sir.

16 Q. But you didn't have to go to jail?

17 A. No, sir.

18 Q. Okay.

19 A. Game warden got me, not the law.

20 Q. It was a game warden?

21 A. Yes, sir.

22 Q. But did you go to justice court and --

23 A. Yes, sir.

24 Q. -- plead guilty? Was that down in Monroe
25 County?

1 A. Yes, sir.

2 Q. When will you get your license back?

3 A. I can get them back when my fine is paid off.

4 Q. You haven't finished paying it yet?

5 A. No, sir.

6 Q. How much was it?

7 A. I don't quite remember. My mama paid it
8 because I wasn't able to.

9 Q. Now, at any time in your life, have you ever
10 been committed to an institution because of alcohol or
11 drug addiction?

12 A. No, sir.

13 Q. Ever been through any kind of rehab?

14 A. No, sir. I signed myself into Behavioral
15 Health one time and I left the third day.

16 Q. Behavioral Health where?

17 A. Tupelo.

18 Q. Here?

19 A. That's been 15 years ago.

20 Q. Was that because of alcohol, drugs, or some
21 other problem?

22 A. It was just because I needed it. My brother
23 had gotten murdered. He got killed.

24 Q. I see. I don't suppose you've ever been in
25 the Armed Forces, have you?

1 A. No, sir.

2 Q. At the time this incident down at the jail
3 happened that we'll go into more detail later, did you
4 have any kind of health or hospital insurance?

5 A. Medicaid.

6 Q. Medicaid?

7 A. Yes, sir.

8 Q. And has Medicaid paid some of your medical
9 bills?

10 A. Yes, sir.

11 Q. But not all of them, I see?

12 A. Well, everything I've had to do.

13 Q. Okay. Do you have any out-of-pocket expenses
14 for medical bills that you've paid?

15 A. Just the co-pay and my prescriptions.

16 Q. All right. How much is your co-pay?

17 A. Three dollars a visit, \$3 a prescription
18 unless they're not covered.

19 Q. Okay. Now, before this incident down at the
20 jail where you were supposedly assaulted by this other
21 woman, had you ever sustained any kind of injury as a
22 result of an accident or in any other way?

23 A. I pulled a muscle in my shoulder, yes, sir.

24 Q. All right. How did you do that?

25 A. Working, lifting a regular size car tire and

1 putting it in the back of the truck.

2 Q. Was this working for Mr. Stanford?

3 A. Yes, sir.

4 Q. But it was just a pulled muscle?

5 A. Yes, sir.

6 Q. Nothing more?

7 A. No.

8 Q. Okay. And that's the only other injury that
9 you've had, serious? I mean, I'm talking about
10 serious injuries, not bumps and bruises.

11 A. In my life?

12 Q. Yes.

13 A. I had a broke leg. I got two metal plates
14 and eight screws in my left ankle.

15 Q. When did that happen?

16 A. 2000.

17 Q. And how did you do that?

18 A. Fell out the back of a pickup truck.

19 Q. Were you working for Mr. Stanford then, too?

20 A. No, I was just sitting in the back of a
21 pickup truck.

22 Q. All right. And which leg is it?

23 A. My left leg. My left ankle.

24 Q. Where did you have that surgery done?

25 A. Tuscaloosa, Alabama.

1 Q. And how are you doing with that injury?

2 A. It's fine.

3 Q. Don't have any problems?

4 A. Unh-unh (Indicating no).

5 Q. And they're leaving the plate in there?

6 A. Uh-huh (Indicating yes).

7 Q. Remember to say yes or no.

8 A. Yes, sir. I'm sorry.

9 Q. Any other injuries that you can think of?

10 A. No, not that I can think of now.

11 Q. Have you ever had any serious illness or
12 disease?

13 A. No, sir.

14 Q. Do you remember who the doctor was that
15 operated on you over there in Tuscaloosa?

16 A. No, sir. That's been ten years ago.

17 Q. Now, exactly what injuries do you claim that
18 you got as a result of this assault down at the jail?

19 A. Well, I had to have rotary cuffs put in.

20 Q. Had to have what?

21 A. I had to have both -- surgeries on both
22 shoulders.

23 Q. Okay. You had rotator cuff surgery?

24 A. I don't know the medical terms for them.

25 Q. All right. But anyway, you had to have both

1 surgeries (sic) operated on?

2 A. Yeah, and I'm having neck trouble. I have
3 headaches.

4 Q. All right. Let's -- I tell you what, let me
5 -- let's talk about the shoulders a bit first. When
6 did your start -- first of all, you had had -- you had
7 pulled a muscle --

8 A. Uh-huh (Indicating yes).

9 Q. -- with this tire back in 2000, but you say
10 that you've recovered from that and it wasn't giving
11 you any problems?

12 A. No.

13 Q. Is that correct?

14 A. Yeah.

15 Q. Okay. When did you --

16 A. No. The 2000 is when I broke my ankle.

17 Q. I see. When was it you had the trouble with
18 your pulled muscle?

19 A. The pulled muscle is when they come and got
20 me to bring me back to jail for not appearing in
21 court. I was at the Amory Hospital when the, what you
22 call them people, bounty hunters --

23 Q. Yeah, bondsmen?

24 A. Yeah.

25 Q. So you were there at the Amory Hospital for

1 your shoulder?

2 A. Yes, for a pulled muscle.

3 Q. For a pulled muscle. All right. What -- but
4 did you injure your shoulders further down here while
5 you were in jail?

6 A. Yes, sir.

7 Q. And you had to have surgery on both of them?

8 A. Yes, sir.

9 Q. Who did the surgery on your shoulders?

10 A. Turba, Dr. Turba.

11 Q. Is he in Amory?

12 A. Yes, sir.

13 Q. Which shoulder did he operate on first?

14 A. This one (Indicating).

15 Q. Left?

16 A. Left one.

17 Q. And when was that that he operated on it?

18 A. I think it was September the 17th.

19 Q. Of '08?

20 A. Yes, sir.

21 Q. And when did he operate on the right one?

22 A. Last year, end of last year.

23 Q. Some time in '09?

24 A. Yeah, it's been about maybe three or four
25 months ago.

1 Q. Okay. And it was Dr. Turba who operated on
2 both of them?

3 A. Yes, sir.

4 Q. Did you receive any other injuries while you
5 were in the jail down there as a result of this
6 assault?

7 A. Yes, sir.

8 Q. What was that?

9 A. I've still got a knot on the back of my head,
10 and I still have headaches, and I'm having neck pain.
11 And I can either take injections in my neck, needles,
12 or I can have surgery.

13 Q. And you haven't had any problem with your
14 neck before this happened down at the jail, either?

15 A. No, sir.

16 Q. Did you get any cuts down there as a result
17 of this assault?

18 A. I think I had a busted -- inside of my lip
19 was busted.

20 Q. Did you have to have any stitches?

21 A. Unh-unh (Indicating no).

22 Q. Remember to say yes or no.

23 A. No, sir. I'm sorry.

24 Q. All right. Well, after you -- I think you
25 left the jail the 31st; is that right?

1 A. Yes, sir, I think.

2 Q. And did your mother take you to the emergency
3 room here at the hospital then?

4 A. Yes, sir.

5 Q. Did y'all go straight to the emergency room?

6 A. Yes, sir.

7 Q. And what did they do for you at the emergency
8 room?

9 A. At first they thought I had a cracked skull.

10 Q. Okay.

11 A. My head -- I was passing out all through the
12 night in jail. They took me in there, they had told
13 Mama not -- they didn't want me up walking until Dr.
14 Bobo got out of surgery. He got out of surgery and he
15 -- I don't remember everything that was said, but all
16 I know is he said I had a severe concussion or
17 something to that effect.

18 Q. And what kind of treatment did he give you
19 for this concussion?

20 A. I know he give me pain medicine and to see a
21 doctor. It was my -- what he told me to do afterwards
22 and to come back to the hospital if it got worse.

23 Q. Did you ever have to go back to the hospital?

24 A. Yeah, a couple of times with headaches.

25 Q. In Amory or Tupelo?